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Magistrate Judge Pamela Meade Sargent to conduct appropriate proceedings. *See* 28 U.S.C.A. § 636(b)(1)(B) (West Supp. 2005); Fed. R. Civ. P. 72(b). Magistrate Judge Sargent filed her report on February 7, 2006. On February 14, 2006, Grubb filed written objections to the report.

II. Standard of Review.

I must make a de novo determination of those portions of the report to which the plaintiff objects. *See* 28 U.S.C.A. § 636(b)(1)(C) (West Supp. 2005); Fed. R. Civ. P. 72(b). Under the Act, I must uphold the factual findings and final decision of the Commissioner if they are supported by substantial evidence and were reached through application of the correct legal standard. *See Coffman v. Bowen*, 829 F.2d 514, 517 (4th Cir. 1987). Substantial evidence is “evidence which a reasoning mind would accept as sufficient to support a particular conclusion. It consists of more than a mere scintilla of evidence but may be somewhat less than a preponderance.” *Laws v. Celebrezze*, 368 F.2d 640, 642 (4th Cir. 1966). If such evidence exists, my inquiry is terminated and the Commissioner’s final decision must be affirmed. *See id.*

III. Objections to Magistrate Judge's Report.

After a careful de novo review of the plaintiff's objections, I find for the reasons stated by the magistrate judge in her opinion that the Commission's denial of benefits was supported by substantial evidence and must be affirmed.

The plaintiff complains that the ALJ was biased in his decision, based on his remarks on the record at the second hearing, following remand by this court. The ALJ stated that the perceived position of district courts reviewing consultative medical evaluations "aggravate[d]" him and that the position was "ridiculous." (R. at 269.)

These comments do not show any improper bias or motivation. The ALJ's remarks, while perhaps overblown, were not directed towards the plaintiff, either individually or as a litigant, and do not require reversal or remand.

The plaintiff also objects because the Social Security Administration's Appeal Council did not rule on the plaintiff's administrative appeal for over seven years—the ALJ's decision was rendered August 5, 1997, and the Appeals Council denied review on May 15, 2005. While this delay is extraordinary, the record shows that the appeal was inadvertently consolidated with another case and that the plaintiff's attorney did not inquire about the delay until 2003, after which the mistake was discovered. (R. at 205.)

For these reasons, I will adopt the magistrate judge's report and recommendation. An appropriate final judgment will be entered.

DATED: April 17, 2006

/s/ JAMES P. JONES
Chief United States District Judge